

April 15, 2013

West Des Moines City Council Proceedings
Monday, April 15, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 15, 2013 at 5:30 PM. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, and K. Trevillyan.

Jody Smith, Deputy City Manager/City Clerk, stated staff suggests pulling Items 4(r)1 Proclamation - Parkinson's Disease Awareness Month and 4(r)2 Proclamation - Affordable Housing Week from the Consent Agenda and considering them separately. He also explained that Items 6(b) Vista Drive Urban Renewal Area and 6(c) Iowa Student Loan Liquidity Corporation - Development Agreement on the agenda have motions to cancel the public hearings because staff has determined there is an alternative option to provide the same financial incentive.

On Item 1. Agenda. It was moved by Trevillyan, second by Mickelson to approve the agenda as presented.

Vote 13-122: Mickelson, Ohmart, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

Council member Trimble joined the meeting participating by telephone at 5:34 p.m.

On Item 3. Council/Manager/Other Entities Reports:

City Manager Greg Sparks reported he attended a Greater Des Moines Partnership meeting, where reports were given on how the Jasper County economy has progressed since the closure of the Maytag factory and on Des Moines' national media exposure for continuing to do well in national rankings. He reported the City/School Collaborative is meeting tomorrow to discuss establishing a Youth Advisory Committee to be made up of students from Valley High School, Waukee High School, Dowling Catholic High School, and Iowa Christian Academy. He also noted Polk County will host an informational meeting on April 17th regarding the proposed senior center on 6th Street.

Council member Mickelson reported his friend Kelly Sorenson ran in the Boston Marathon today but was not injured by the blasts. He stated his thoughts and prayers go out to those affected by the tragedy. He reported he is continuing to meet with the department heads and has also met with developers on future development projects. He attended a meeting of the Bicycle Advisory Commission, where it was reported that leftover funds from the Southwest Connector have been allocated for a bike trail. He reported he also attended the Big Deal hosted by the WDM

Chamber of Commerce.

Council member Trevillyan reported he attended a Valley Junction Events Committee meeting earlier today and noted the Valley Junction Farmers Market will start two weeks from Thursday. He stated parking will be available again this year at Hillside Elementary with a shuttle to Valley Junction, but the five dollar vouchers will no longer be given out to people who use the shuttle.

Council member Sandager reported he attended Legislative Subcommittee and DART board meetings, and will attend the City School Collaborative meeting tomorrow.

Bret Hodne, Public Works Director, recognized Public Works employees Clint Carpenter and Randy Cox for earning APWA certification for construction inspection. He stated only 256 public works employees across the US and Canada have that certification and only 7 in the state of Iowa.

On Item 4. Consent Agenda.

Council members pulled Item 4(f) for discussion. Mayor Gaer noted Items 4(r)1 and 4(r)2 will be removed as well, per staff recommendation. It was moved by Ohmart, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of April 1, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. MVC Acquisition, LLC d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (June 7-8, 2013) - New
 - 2. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - New (6 Month License)
 - 3. Beck Security, LLC d/b/a The Horney Bull Night Club, 1720 25th Street, Suite 500 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 4. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 - 5. IA Lodging West Des Moines TRS, L.L.C. d/b/a Marriott West Des Moines Hotel, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales and Catering Privileges - Renewal
 - 6. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales – Renewal
 - 7. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 8. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue -

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- Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (May 14, 2013) - New
- 9. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
- 10. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - New
- 11. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
- d. Approval of Cigarette Permits
- e. Approval of Extended Sound Permit - Historic Valley Junction Foundation Independence Day Celebration - Railroad Park, 100 and 200 blocks of 5th Street - July 3, 2013
- g. Approval of Grant Agreement - Shooting Sports Program - Raccoon River Park Archery Facility
- h. Approval to Sell Surplus City Equipment
- i. Establish Public Hearing - Issuance of Not to Exceed \$870,000 (Current Refunding) General Obligation Bonds
- j. Ordering Construction:
 - 1. 2013 Sewer Lining Program
 - 2. 2013 Intake Repair Program
 - 3. Valley Junction Alleys, Phase II
- k. Approval of Grant Application - Polk County Community Development Grant - Raccoon River Park Archery Facility
- l. Approval of Professional Services Agreements:
 - 1. Fire/EMS #17 Commissioning Services
 - 2. Ashworth Road Street Lights - 60th Street to 430 feet west of 68th Street
- m. Approval of Termination of Storm Sewer Easement - Jordan Creek Crossing Plat 2
- n. Approval to Waive Counsel's Potential Conflict of Interest - Iowa Student Loan Liquidity Corporation
- o. Approval and Acceptance of Permanent Easements - Valley Junction Alley Improvements Project
- p. Approval and Acceptance of Purchase Agreement and Permanent Public Utility Easements - 2013 PCC Reconstruction Program
- q. Approval of Extension of Entitlement - Office at the Galleria
- r. Approval of Proclamations:
 - 3. Arbor Day, April 26, 2013

Vote 13-123: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(f) Approval of "Art on the Campus" Concepts

Council member Sandager requested background information on this project.

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Gary Scott, Parks and Recreation Director, reported a number of submissions were received and reviewed by a selection committee of five people. The selection committee focused on the theme of “Positioned Perfectly for Community Vitality.” The selected pieces will be placed on cement pads that will be constructed this spring around the City/School Campus pond, and a launch party is scheduled for June 27th. He stated the pieces will be taken down October 1st and then be put up for sale to the public with a small portion of the sale price going to the City for future public art projects.

The Council requested staff and the Public Arts Commission look into the possibility of displaying the art pieces for longer than three months in future years.

It was moved by Sandager, second by Trevillyan to approve Item 4(f) Approval of “Art on the Campus” Concepts.

Vote 13-124: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(r)1 Approval of Proclamation - Parkinson’s Disease Awareness Month, April 2013

It was moved by Sandager, second by Trevillyan to approve Item 4(r)1 Approval of Proclamation - Parkinson’s Disease Awareness Month, April 2013.

Mayor Gaer read the proclamation.

Crissanka Christadoss, Coordinator for the Iowa Parkinson’s Information and Referral Center, stated Parkinson’s disease affects approximately 20,000 Iowans, and the Information and Referral Center is available to anyone wanting more information on the subject. She noted they will host a conference in West Des Moines in June, which will bring 400-500 people from all over the state of Iowa.

Council member Sandager stated his father suffered from Parkinson’s disease and he thanked Ms. Christadoss for coming to speak about it.

Vote 13-125: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(r)2 Approval of Proclamation - Affordable Housing Week, April 15-20, 2013

It was moved by Sandager, second by Trevillyan to approve Item 4(r)2 Approval of Proclamation - Affordable Housing Week, April 15-20, 2013.

Mayor Gaer read the proclamation.

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Angela Connolly, Polk County Supervisor, reported the Polk County Housing Trust currently serves approximately 3,500 families and has another 4,000 on their waiting list. She stated they work closely with WDM Human Services, and she thanked the Mayor and Council for the City's support.

Vote 13-126: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Heritage Hills, northeast corner of 88th Street and future E. P. True Parkway - Amend the Comprehensive Plan Land Use and Zoning from Neighborhood Commercial (NC) to Residential High Density (RH-18), initiated by F & S Associates. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 29, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of both the proposed Comprehensive Plan Amendment and Rezoning.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 13-127: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 13-128: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 13-129: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Vista Drive, Parcel AA, Part of Lot 6, Country Club Office Plaza - Designation as an Urban

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Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission adopted a Resolution stating that the proposed creation of the Vista Drive Urban Renewal Area is found to be in conformity with the Comprehensive Plan.

It was moved by Trevillyan, second by Sandager to adopt a Motion to cancel the Public Hearing.

Vote 13-130: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Iowa Student Loan Liquidity Corporation, 6775 and 6805 Vista Drive - Development Agreement, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

It was moved by Trevillyan, second by Sandager to adopt a Motion to cancel the Public Hearing.

Vote 13-131: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to adopt a Motion to proceed with drafting Economic Development Forgivable Loan paperwork.

Council member Ohmart expressed his desire for the Council to have a comprehensive discussion on economic development incentives offered by the City to determine if any existing incentives should be revised or new incentives added.

City Manager Greg Sparks stated staff will schedule a Council workshop sometime in the next several months to review the City's economic development strategies.

Vote 13-132: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Sewer Cleaning and Televising Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Ohmart to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hydro-Klean, LLC.

Vote 13-133: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Playground Project, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Cal Concrete.

Vote 13-134: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Legacy at Bridgewood North Plat 3, south of Beechtree Lane at 80th Street - Subdivide Property into 14 Lots for Residential Development and 3 Outlots, initiated by Grayhawk Homes of Iowa, Inc.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Final Plat and Release for Recordation, subject to the applicant complying with all applicable City Code requirements.

Council member Trimble inquired about the existing development around this area.

Chris Shires, Development Planning and Inspection Manager, responded this area is surrounded by townhomes, and the proposed final plat will be a continuation of those six-plex and eight-plex units.

Vote 13-135: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(b) Easton at Bridgewood North Plat 3, south of Beechtree Lane at 79th Street - Subdivide Property into 8 Lots for Residential Development and 1 Outlot, initiated by Grayhawk Homes of Iowa, Inc.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Final Plat and Release for Recordation, subject to the applicant complying with all applicable City Code requirements.

Vote 13-136: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Bella Centro, 6255 Beechtree Drive - Modifications to Storm Water Detention Facilities, initiated by Bella Centro Condominium Association

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Bella Centro maintaining the storm water detention facilities accordingly so as to provide adequate detention as outlined in the approved Storm Water Management Plan provided to the city; and,
2. Bella Centro providing the City a certified as-built plan of the detention pond within 30 days of the completion of the minor modification or 120 days from the approval of this action, whichever comes first.

Vote 13-137: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 2 (Administration and Enforcement), Section 3 (Violations; Enforcement Procedures) - Issuance of Parking Tickets, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 13-138: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 13-139: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes

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Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 6 (Parking Regulations), Section 15 (Parking Violations; Failure to Pay) and Section 16 (Penalty) - Resolution of Parking Tickets, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 13-140: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 13-141: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Teamsters Local #238 (WestCom) - Contract July 1, 2013 thru June 30, 2015, initiated by the City of West Des Moines and Teamsters Local #238

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Contract.

Council member Ohmart inquired about the contract's increase in available "C-time" from 80 hours to 120 hours.

Jeff Dumermuth, EMS Chief, explained "C-time", or comp time, is available to employees as an option if and when they work overtime. That time can be banked and the increase extends the amount of "C-time" hours an employee can bank before it must be used or paid out. He noted the change resulted from the 8 hour shifts increasing to 12 hour shifts.

Mr. Sparks noted the proposed change would make it consistent with the Police Department contract that Council has already approved.

Jody Smith, Deputy City Manager/City Clerk, stated that due to the shifts changing from 8 hours to 12 hours, the proposed change for "C-time" from 80 hours to 120 hours will maintain the number of work days an employee can have banked in "C-time" at ten days.

Vote 13-142: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(g) Incentive Policy for Redevelopment of Existing Office and Industrial Buildings, initiated by the City of West Des Moines

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It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Subcommittee Recommendation.

Council member Ohmart inquired why the incentive is limited to only properties that had been previously owner-occupied rather than all vacant properties.

Mayor Gaer responded this policy is intended to help owner-occupied property owners that vacate but have a hard time selling or leasing the property because they are not in the real estate business. The policy was not written to include vacant rental properties because the Finance and Administration Subcommittee did not want to allow city incentives to be used by real estate developers to redevelop their space.

Council member Ohmart reiterated his desire for the Council to have a comprehensive discussion on economic development incentives offered by the City to determine if any existing incentives should be revised or new incentives added. He stated until that discussion takes place, he does not feel he has enough information to make an intelligent decision regarding this proposed policy.

Council member Trevillyan and Council member Trimble agreed that the Council should have a comprehensive discussion on economic development incentives.

Mayor Gaer requested that no other changes to the City's economic development policy be considered until after a Council workshop has been held on the matter.

Council member Ohmart stated he will abstain from the vote because he feels he doesn't have enough information to make an intelligent decision regarding this proposed policy.

Vote 13-143: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Ohmart...1 abstain

Motion carried.

On Item 8(a) Roger's Farm, south side of Stagecoach Drive (south of Wells Fargo) - Rezoning approximately 59 acres as Residential Medium Density (RM) and Rezoning approximately 32.5 acres as Residential Estate (RE) Consistent with Comprehensive Plan Land Use Designations - Civic Parkway Associates, LC - Referred to Plan and Zoning Commission

On Item 8(b) Jordan Creek Town Center, 101 Jordan Creek Parkway - Amend the Planned Unit Development to Modify Setback and Buffer Standards for 1 Parcel in the Development - GGP Jordan Creek, LLC - Referred to Plan and Zoning Commission

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On Item 8(c) The Woods at Sugar Creek, south of Mills Civic Parkway, north of Stagecoach Drive, and west of South 95th Street - Rezone the Property to Single Family Residential (R-1) - Triple T, LLC - Referred to Plan and Zoning Commission

On Item 8(d) Westside Community Center, 134 6th Street - Rezone the Property from Single Family Valley Junction (SF-VJ) to Valley Junction Historic Business (VJHB) - Polk County - Referred to Plan and Zoning Commission

On Item 9 - Other Matters

The Mayor and Council encouraged the public to attend Polk County's public informational meeting on Wednesday at 6:30 p.m. regarding the proposed senior center on 6th Street.

Council member Ohmart requested a status update on the reconstruction of the I-35 interchange at Grand Avenue.

Duane Wittstock, City Engineer, responded there are new updates to report, but the Metropolitan Planning Organization is still checking for errors in their numbers that were used for the 2035 traffic projections. He noted the MPO Director has acknowledged there was likely an error made somewhere in the 2035 projection calculations but they have not yet found what is believed to be an error.

Mr. Sparks stated he has communicated to the IDOT District Engineer and the IDOT Director that once the MPO has verified the numbers, City staff would like to meet with the IDOT Director to go over them.

Mayor Gaer inquired what the anticipated timeline is for the project.

Mr. Wittstock responded the IDOT's target date for a bid letting is January 2014, and the final design needs to be completed four months prior to that. He stated IDOT has requested a resolution on the matter as soon as possible, but the MPO is still working to find the suspected mathematical error and correct it.

The meeting was adjourned at 6:26 p.m.

Respectfully submitted,

Ryan T. Jacobson
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor